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SUBJECT: BACK TO SQUARE ONE IN FNL NEGOTIATIONS

¶1. (U) SUMMARY: The Political Directorate (PD) (Executive Representative to the Secretary General of the United Nation Youssef Mahmoud, French Ambassador Joel Louvet, South African Ambassador Mdu Lembede, and Tanzanian Ambassador Francis Mdwla) informed the diplomatic corps in an April 4 briefing that negotiations with the Palipehutu-FNL (FNL) are back to square one. Previously, the FNL agreed to return to Bujumbura on April 1 per the provisions of the "Program of Action" established in February by the facilitator of the implementation of the cease-fire agreement, South African Minister of Safety and Security Charles Ngakula. Now, however, the FNL insists on several preconditions before its return to Bujumbura. The two major preconditions are the enactment of a new law passed by the National Assembly that provides immunity to the FNL, and a change of facilitator. The facilitator will convene a meeting of the Chairman and Vice-Chairman of the Regional Initiative (Ugandan President Yoweri Museveni and Tanzanian President Jakaya Kikwete respectively) as soon as possible to seek guidance on how to proceed. END SUMMARY

¶2. (U) The FNL claimed no preconditions for a return to Bujumbura for negotiations when it signed on to the "Program of Action" outlining a way forward for implementation of the cease-fire agreement on March 1. However, the PD told the diplomatic corps that talks for the scheduled April 1 FNL return to Bujumbura fell apart in late March over security concerns. The FNL, citing mistrust of the Government of Burundi (GOB), refuses to return to Bujumbura to rejoin the Joint Verification and Monitoring Mechanism (JVMM), the negotiating group responsible for implementation of the September 2006 cease-fire agreement, until a new law is passed by the National Assembly guaranteeing FNL immunity. The current legal framework guaranteeing immunity for crimes committed prior to the signing of the cease-fire agreement in September 2006, and sufficient for FNL participation in the JVMM in 2007, is now regarded as inadequate by FNL leadership.

¶3. (U) The FNL asked the PD to create an "Act of Engagement" holding the PD responsible for FNL security in Bujumbura pending the enactment of an immunity law by the National Assembly. The PD does not believe it has the capacity or capability to make such a guarantee and informed the FNL that the GOB and the African Union (AU) are responsible for FNL security. The FNL then made several new material demands as a precondition for its return to the JVMM, including additional per diem, a vehicle, and additional allowances for lodging and cell phones for each of the 11 FNL negotiators scheduled to return April 1.

¶4. (U) Concluding that a stalemate has been reached, the facilitator issued a letter April 1 informing the FNL that the facilitator will seek the guidance of the Regional

Initiative on a way forward. On the same day, the FNL issued a letter to President Kikwete citing PD and facilitation bias towards the GOB, and stating that the FNL will not return to negotiations until the facilitator is changed. A meeting with the Chairman and Vice-Chairman of the Regional Initiative is set to take place as soon as both Presidents are available, sometime in mid-April. The facilitation will also seek an emergency meeting of Special Envoys to the Great Lakes Region to share the latest developments and seek the Special Envoys input.

15. (SBU) COMMENT: All parties expressed frustration and impatience with the FNL during the meeting. More than once, the PD expressed its concern that the FNL has a hidden agenda that prevents it from committing to a return to negotiations.

The excessive demands for additional benefits for FNL negotiators seemed especially troublesome to the PD, as those details were already established in a technical agreement reached in Dar es Salaam in mid-March between the AU and the FNL. Considerable discussion was also given to the large quantities of carrots being offered to the FNL and the lack of adequate sticks. The PD mentioned the sanctions against the FNL as listed in recent Tripartite Plus Joint Commission decisions as a possible stick, but recognized that enforcing sanctions against the nebulous FNL would be difficult. While one diplomat did raise the possibility of a plan B (i.e. military action), the PD did not address that option and encouraged the diplomatic corps to remain engaged in the peace process. END COMMENT
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